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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,353	10/01/2003	Kenichiro Yasui	A429-1	3814
21254	7590	11/07/2005	EXAMINER	
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			CHANG, YEAN HSI	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

10/674,353

Applicant(s)

YASUI ET AL.

Examiner

Yean-Hsi Chang

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-12 and 20 is/are allowed.
- 6) ☒ Claim(s) 1,2,13-16 and 19 is/are rejected.
- 7) ☒ Claim(s) 17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/20/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 13-16 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Murray et al. (US 6,011,699).

Murray teaches a foldable electronic device (100, fig. 1) including a first body (102) having a display (346) covered by a screen (204) and a second body (108) having an interface (720) through which a user can operate said electronic device, said first body and said second body being rotatable to each other through a hinge (376), said first body having a first surface (203) facing said second body when said electronic device is folded, said second body having a second surface (740) facing said first body when said electronic device is folded, said interface projecting by a height (height of 722 in fig. 7) from said second surface, said first body comprising a recess (between 352 and 354 in fig. 4) with said first surface, said recess aligning with said interface when said electronic device is folded (shown in figs. 1 and 11), and having a depth equal to or greater than said height (shown in fig. 11), and said display and said screen being located within said recess (shown in figs. 5-6 and 11) (claims 1 and 19); wherein said

Art Unit: 2835

electronic device is a cellular phone (see col. 4, lines 10-11; a radiotelephone is a cellular phone) (claim 2); wherein said recess extends along an entire length of said interface (shown in fig. 11) (claim 13); wherein said interface comprises a plurality of operation keys (1110) being received into said recess (shown in fig. 11) when said electronic device is folded to reduce a space between said first body and said second body (claims 14-15); and wherein said first body comprises at least one second recess (at location 202, shown in fig. 11) (claim 16).

Allowable Subject Matter

3. Claims 3-12 and 20 allowed.
4. Claims 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter: The best prior art of record, Murray et al. (US 6,011,699), Emmert et al. (US 6,600,662 B1), Honda (US 5,400,213), Hosoi (US 5,335,141), and Tai-Kee (US 4,730,364), taken alone or in combination, fails to teach or fairly suggest a foldable electronic device comprising at least: at least one projection projecting from a second surface of a second body of the electronic device, and an elastic piece through which a screen for protecting a display on a first body of the electronic device is mounted on said first body such that said projection pushes said screen in a depth-wise direction in

Art Unit: 2835

a recess formed on said first body when said electronic device is folded, thereby said elastic piece being compressed, and said elastic piece pushing said screen back when said electronic device is unfolded as set forth in claims 3 and 20; wherein said at least one projection is received by at least one second recess of the first body as set forth in claim 17; and an elastic member formed in said at least one second recess as set forth in claim 18. Claims 4-12 are dependent claims from claim 3.

Response to Arguments

6. Applicant's arguments filed 10/13/05 have been fully considered but they are not persuasive.

Applicant argues, "Murray does not teach or suggest said display and said screen being located within said recess as recited in claim 1", "nowhere in these figures (nor anywhere else for that matter) does Murray teach or suggest that the display and the screen are located within the recess", and "Murray merely teaches that the display (346) is fitted in a recess (see Murray at Figure 11). The lens (204), which covers the display (346), is not disposed inside of the recess and is not separated from the operation keys (1110) by the recess".

Murray teaches the display 346 and the screen 204 being located within the recess as clearly shown in figs. 2, 4-5 and 11 (the screens in figs. 5 and 6 are marked as 376); screen 204 is clearly separated from keys 1110 by the recess as shown in fig. 11 and stated in col. 9, lines 32-43.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (571) 272-2038. The examiner can normally be reached on 07:30 - 16:00, Monday through Thursday.

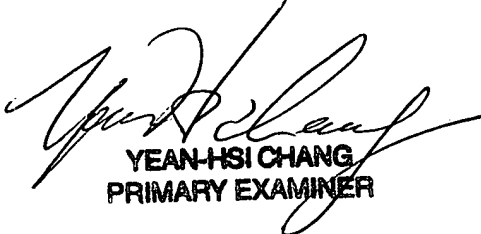
If attempts to reach the examiner by telephone are unsuccessful, the Art Unit phone number is (571) 272-2800, ext. 35. The fax phone number for the organization

Art Unit: 2835

where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8558.

Yean-Hsi Chang
Primary Examiner
Art Unit: 2835
November 3, 2005



YEAN-HSI CHANG
PRIMARY EXAMINER